

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

John N. Atkinson)	CA No. <u>7:09-3052-HFF-WMC</u>
Plaintiff,)	
)	
v.)	REPORT AND RECOMMENDATION
)	ON DEFENDANT'S MOTION TO DISMISS
Farrell Chevrolet)	
Defendant.)	
_____)	

This matter came before the Court by way of Defendant's motion to dismiss the second count of Plaintiff's Complaint, which asserts a claim for violation of the South Carolina Human Affairs Law. Defendant contends that S.C. Code Ann. § 1-13-90(d)(8) (1976) prohibits the maintenance of such a claim when a claim for violation of Title VII is also asserted.

The Court agrees, and Plaintiff has consented to the relief sought in Defendant's motion.

RECOMMENDATION

For the reasons stated above, the Court recommends that Defendant's motion to dismiss the Plaintiff's Second Cause of Action for violation of the South Carolina Human Affairs Law be granted.

s/William M. Catoe
United States Magistrate Judge

January 6, 2010
Greenville, South Carolina